

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) JOSHI TECHNOLOGIES)
INTERNATIONAL, INC.,)
an Oklahoma corporation,)

Plaintiff,)

vs.)

(1) CONSORCIO PEGASO, an)
Ecuadorian unincorporated joint venture)
partnership, and)

(2) CAMPO PUMA ORIENTE S.A., a)
Panamanian incorporated joint venture,)
and joint venturer/partner in Defendant)
CONSORCIO PEGASO,)

Defendants.)

Case No. 17-CV-359-GKF-FHM

Jury Trial Demanded

**PLAINTIFF'S MOTION FOR ISSUANCE OF LETTERS ROGATORY
FOR SERVICE OF FOREIGN DEFENDANTS AND BRIEF IN SUPPORT**

Plaintiff Joshi Technologies International, Inc. ("JTI") requests the Court's assistance in effecting service of process on the Defendants Consorcio Pegaso ("CP") and Campo Puma Oriente S.A. ("CPO"), under FRCP 4(f), through the Letters Rogatory procedure. In support, JTI submits the following.

1. JTI filed suit against the Defendants on June 23, 2017. (Doc. 1.)
2. JTI has served the Defendants under FRCP 4(f)(2)(C)(ii). (Doc. 13). However, to domesticate any judgment obtained in this Court in Ecuador, will likely require JTI to serve the Defendants under the Letters Rogatory procedure. (Doc. 15-1 at ¶¶ 9-18.) JTI retained David Garces, an Ecuadorian attorney who is experienced in serving defendants under the Letters Rogatory procedure, to assist with this.

3. On September 25, 2017, the Court entered an Order providing JTI until September 25, 2018 to serve the Defendants under the Letters Rogatory procedure. (Doc. 16 at p. 2.)

4. JTI intends to serve the Defendants in Ecuador. Ecuador and the United States are both signatories to, and both have ratified the Inter-American Convention on Letters Rogatory and the Additional Protocol. (Doc. 8 at pp. 1-2; Doc. 15-1 at ¶ 9.)

5. To serve the Defendants under the Letters Rogatory procedure, the Letters Rogatory must contain (i) the signature and stamp of the judicial or other adjudicatory authority of the State of Origin (Clerk of the U.S. District Court for the Northern District of Oklahoma); and (ii) the signature and stamp of the Central Authority of the State of Origin (Process Forwarding International located in Seattle, Washington).

6. Filed herewith are the following documents to be served on the Defendants:

- Letters Rogatory to CP in English and Spanish (Attachments 1 and 2);
- Letters Rogatory to CPO in English and Spanish (Attachments 3 and 4);
- Summons to CP in English and Spanish (Attachments 5 and 6);
- Summons to CPO in English and Spanish (Attachments 7 and 8);
- Complaint with Exhibits in English and Spanish (Attachments 9 and 10);
- Affidavits of Translation by Sebastian Lantos (in English and Spanish), who is a Courtroom Certified Interpreter and Translator, attesting that all Spanish versions of these documents are an accurate translation of the English versions. (Attachments 11 and 12).

WHEREFORE, JTI requests the Court to enter an Order granting this Motion, and issuing the Letters Rogatory, and ordering the Clerk of the U.S. District Court for the Northern District of Oklahoma to sign and stamp the Letters Rogatory (Attachments 1-4) with this Court's official seal/stamp where appropriate.

Respectfully submitted,

/s/ S. Max Harris

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Attorneys for Plaintiff JTI

CERTIFICATE OF SERVICE

I do hereby certify that on January 23, 2018, I caused a true and correct copy of the above and foregoing instrument to be sent to the following parties by email:

Abhijit Rajan, Abhijit.rajan@gammonindia.com

Rajul A. Bhansali, Rab@gammonindia.com

Jose Fabian Romero Castro, jromero@pumaoriente.com

/s/ S. Max Harris

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